

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

ESTANISLADO GENIS-CUATE

## CRIMINAL COMPLAINT

Case Number:

12-mj-25-TNL

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 5, 2012, in Hennepin County, in the State and District of Minnesota, defendant(s) an alien who had previously been removed from the United States on or about November 5, 2008, subsequent to a conviction for an aggravated felony, namely: Aiding and Abetting the Distribution of Crack Cocaine in the District of Minnesota, on or about November 8, 2007, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to re-apply for admission into the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Sworn to before me, and subscribed in my presence,

Date

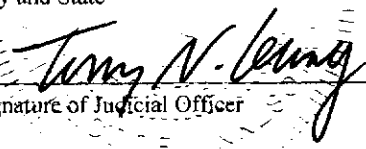
January 24, 2012

The Honorable Tony N. Leung  
UNITED STATES MAGISTRATE JUDGE

Name &amp; Title of Judicial Officer

  
Signature of Complainant  
Jennifer Skwira  
U.S.NICE

St Paul, MN  
City and State

  
Signature of Judicial Officer

SCANNED

JAN 25 2012

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

**AFFIDAVIT OF Jennifer Skwira**

Jennifer Skwira, being duly sworn, deposes and states as follows:

1. I am a Deportation Officer with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security since September 2, 2007. I have been in various positions within legacy Immigration and Naturalization Service (INS) and the United States Citizenship and Immigration Services (USCIS) for the last 13 years.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for reviewing alien files (commonly known as "A files") in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about January 5, 2012, in Hennepin County, in the State and District of Minnesota, Estanislado GENIS-Cuate (Defendant) unlawfully reentered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that Defendant's removal was subsequent to a conviction for

commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On or about January 5, 2012, Defendant was encountered in Hennepin County, Minnesota and was arrested by ICE/ERO Fugitive Operations Deportation Officers in Minneapolis, MN. ICE/ERO Fugitive Operations Deportation Officers were conducting surveillance near the address of 3904 4<sup>th</sup> Avenue South in Minneapolis, MN. Officer Scott Ladwig saw a male matching the physical description of the target coming out of the alley from behind the targeted house. Officer Ladwig stopped Defendant, identified himself as an ICE officer and requested identification. Defendant identified himself as Estanislado GENIS-Cuate. Routine record checks confirmed his identity. Officer Ladwig determined that Defendant was an illegal alien present in the United States without proper immigration documents which would allow Defendant to be in, pass through or remain in the United States legally and arrested the Defendant.
6. On January 5, 2012, Defendant was transported to the Bloomington, Minnesota ICE office for processing. On January 5, 2012, the Defendant was advised of his Miranda Rights. The Defendant invoked his rights and did not give a statement.
7. At the ICE facility, Defendant's fingerprints were rolled, scanned and electronically submitted into the Department of Homeland Security's Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigations Integrated Automated Fingerprint Identification System (IAFIS). IDENT and IAFIS positively

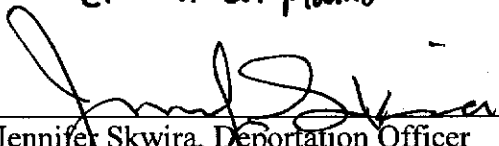
matched and linked Defendant's fingerprints to alien registration number 88 138 670, Federal Bureau of Investigations number 125729FB4 and DHS Fingerprint Identification number (FIN) 1056308852, revealing Defendant's previous removal and criminal history.

8. Based on IAFIS and IDENT identification of Defendant's prior history, I reviewed Defendant's unique alien registration file A88 138 670. The Defendant's alien registration file contains photographs, fingerprints and immigration documents identifying Defendant as a citizen and national of Mexico, who has been ordered removed and physically removed from the United States to Mexico on one (1) prior occasion prior to being found in the District of Minnesota in 2012.
9. On November 8, 2007, Subject was convicted in the United States District Court, District of Minnesota for the offense of Aiding and Abetting Distribution of Crack Cocaine, in violation of 21 USC 841(a)(1) and (b)(a)(A) and 18 USC section 2.
10. The above listed conviction of the Defendant has been classified by the FBI Criminal Justice Information System as FBI# 125729FB4. Upon the arrest of the Defendant by ICE, he was searched and enrolled into the Integrated Automated Fingerprint Identification System (IAFIS). Results of the IAFIS search and enrollment revealed the identical FBI# 125729FB4 related to the Defendant's criminal history and the Defendant's administrative immigration File #A88 138 670 thereby establishing a match of identity utilizing fingerprint records.
11. Defendant's immigration file indicates that he has been previously arrested and removed from the United States on one (1) occasion. On November 5, 2008,

Defendant was removed from the last port of departure from the United States to Mexico at Del Norte, TX Bridge.

12. The Defendant is subject to removal as an alien that re-entered the U.S. without permission by the Attorney General or Secretary of Homeland Security as defined in INA Section 241(a)(5) codified under 8 USC1231(a)(5). The Defendant is currently detained in ICE custody as mandatory detention per INA Section 241(a)(2) codified under 8 USC 1231(a)(2) due to his illegal re-entry to the United States.
13. Defendant is a citizen and national of Mexico with no claim to United States Citizenship or Lawful Permanent Resident status, nor does he have documents to enter, pass through, or remain in the United States.
14. My investigation confirms that since his removal from the United States on November 5, 2008, Defendant has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.
15. Based on these facts, Defendant is in violation of 8 U.S.C. Section 1326(a) & (b)(2), Re-entry after removal, in that Defendant was ordered removed, subsequently removed, and then found in the United States without consent of the Attorney General, or the Secretary of the Department of Homeland Security following the conviction of an aggravated felony.

*Affidavit of Jennifer Skwira re:*  
16. Further Your Affiant Sayeth Not. USA v. Estanislado Genis-Cuate  
Criminal Complaint

  
Jennifer Skwira, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 24 day of January, 2012.

  
United States Magistrate Judge